

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

JIMMY EDWARDS, ROBERT HUNT,
DOLORES HUNT, CLIFFORD MCKELLAR,
JR., and EMMA MCKELLAR, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

CSX Transportation, Inc.,

Defendant.

Case No. 7:18-cv-169-BO

*Consolidated with Cases No. 7:18-cv-177-BO
and No. 7:18-cv-178-BO*

Fed. R. Civ. P. 12(b)(6); LCR 7.2

ANTOINETTE MOORE, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

CSX Transportation, Inc.,

Defendant.

Case No. 7:18-cv-177-BO

WEST LUMBERTON BAPTIST CHURCH,
CURRIE CHAINSAW, INC., C.J.M.
VENTURES, INC., WILLIAM LOCKLEAR
d/b/a/ STRICKLAND'S BARBERSHOP, TBL
ENVIRONMENTAL LABORATORY, INC.,
SAMMY'S AUTO SALES, INC., LINDA
SAMPSON, and ERIC CHAVIS, individually
and on behalf of others similarly situated,

Plaintiffs,

v.

CSX TRANSPORTATION, INC.,

Defendant.

Case No. 7:18-cv-178-BO

**CSX TRANSPORTATION INC.'S MOTION TO DISMISS THE
AMENDED CONSOLIDATED COMPLAINT**

Defendant CSX Transportation, Inc. ("CSXT"), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, by and through its undersigned counsel, hereby moves to dismiss plaintiffs' Amended Complaint.¹ The grounds for this motion are more fully set forth in the Memorandum in Support filed contemporaneously herewith.

WHEREFORE, CSXT respectfully moves that the Court enter an order dismissing plaintiffs' Amended Complaint, and granting CSXT such other and further relief as the Court deems just and appropriate.

April 29, 2019.

Respectfully submitted,

/s/ April N. Ross
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*Counsel for CSX Transportation, Inc. by Special
Appearance*

¹ Plaintiffs previously filed three separate lawsuits against CSXT – *Moore v. CSX Corp., et al.*, No. 7:18-cv-00177; *Edwards, et al., v. CSX Corp., et al.*, No. 7:18-cv-00169; and *West Lumberton Baptist Church, et al., v. CSX Corp., et al.*, No. 7:18-cv-00178. On November 30, 2018 CSXT moved to dismiss all three complaints. Plaintiffs consolidated the three cases and filed an amended consolidated complaint on February 28, 2019.

/s/ Henry L. Kitchin, Jr.
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CERTIFICATE OF SERVICE

I, April N. Ross, of Crowell & Moring, LLP, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on this day, copies of the foregoing will be served on the following by the Court's Case Management / Electronic Case Filing ("CM/ECF") system:

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/s/ April N. Ross
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